

JUL 05 2006

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Responsive to 05 April 2006 Office Action

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REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

STATEMENT OF SUBSTANCE

The 05 July 2006 telephonic examiner interview (by and between Examiner Parries and the undersigned) is respectfully noted; in such interview, it was agreed by the Examiner that if the present RCE was filed with claim amendments, then the Examiner would not make a first action final. The Examiner is thanked for such interview, and for allowing Applicant to avoid the procedural/administrative delays associated with an after-final amendment and advisory action process.

PENDING CLAIMS

Claims 45-55 and 57-69 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 46, 49-51, 55 and 59-69 will be pending for further consideration and examination in the application.

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ALLOWED CLAIMS

Claims 59-69 have been allowed in the application, as indicated within the section number "9" on page 5 of the Office Action. Applicant and the undersigned respectfully thank the Examiner for such indication of allowable subject matter.

'103 REJECT. CLAIMS 45, 47-48, 51-54 AND 57-58 - CLAIMS CANCELLED

All prior art rejections regarding the above claims are respectfully traversed, but the present cancellation of such claims (without prejudice or disclaimer) to obtain a patent (without prejudice or disclaimer) on other ones of the claims more quickly, has rendered such rejection(s) obsolete; thus gratuitous traversal arguments concerning the rejection(s) are omitted for brevity. Further discussions/arguments concerning such rejection(s) are left for the future if/when appropriate. Based upon the following, reconsideration and withdrawal of such rejection(s) are respectfully requested.

The above statements, or any present cancellation of claims (without prejudice or disclaimer), should not be taken as an indication or admission that the rejection was valid, or as a disclaimer of any scope or subject matter, but is merely use of a procedural approach to obtain a patent (without prejudice or disclaimer) on ones of the allowable claims as quickly as possible.

'103 REJECT. CLAIMS 46, 49 AND 55 - TRAVERSED

All prior art rejections regarding the above claims are respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not

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appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following traversal arguments supplied by Applicant's foreign representative.

According to the present invention (claims 49 and 55), if said terminal board does not establish valid 2-way communication with said operation apparatus at a lowest data rate in a predetermined time, said terminal board sends the communication data in 1-way communication operation without receiving a valid response from said operation apparatus in response to the communication data sent from said terminal board in 1-way communication operation. No response is received from the operation apparatus in the one-way communication operation, because the two-way communication operation is failed. The terminal board just carries on one-sided communication to send the data to the operation apparatus in a one-way communication, and does not receive any data or response from the operation apparatus in one-way communication.

Regarding claim 49 specifically, the Examiner has stated that the reference Howe (USP 5,471,519) teaches the idea of executing one-way communication if two-way communication fails. Applicant cannot agree to (i.e., traverses) such Examiner opinion. Howe's change to one-way communication is made not in response to the fail of two-way communication, but in response to a request to monitor the

communication by the called party. The two-way communication can always be established between the called party and calling party even in the monitoring mode, i.e., the so-called one-way communication. That is, the called party can select one-way communication or two-way communication any time they want. Howe does not concern the fail of two-way communication. In short, Howe does not teach that if the calling party does not establish a valid 2-way communication with the called party at a lowest data rate in a predetermined time, the calling party sends the communication data in 1-way communication operation without receiving a valid response from the called party in response to the communication data sent from the calling party.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '103 rejection, and express written allowance of all of the '103 rejected claims, are respectfully requested.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

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RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.37389CX1) and please credit any excess fees to such deposit account.

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Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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